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8 **Attorneys for Defendants**
9 **DITECH FINANCIAL LLC and MORTGAGE**
10 **ELECTRONIC REGISTRATION SYSTEMS, INC.**

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **PETER ZEPPEIRO, an individual;**
14 **Plaintiff,**

15 **v.**

16 **WELLS FARGO BANK, NA; DITECH**
17 **FINANCIAL LLC; NORTHWEST**
18 **TRUSTEE SERVICES, INC.;**
19 **MORTGAGE ELECTRONIC**
20 **REGISTRATION SYSTEMS INC and**
21 **DOES 1 to 10 inclusive**

22 **Defendants.**

Case No.: 2:18-cv-04183-SJO-AGR

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS**

*[Filed concurrently with Motion to
Dismiss Plaintiff's First Amended
Complaint]*

Date: August 13, 2018
Time: 10:00 a.m.
Courtroom: 10C

Hon. S. James Otero

23 In support of their concurrently filed Motion to Dismiss, Defendants DITECH
24 FINANCIAL LLC and MORTGAGE ELECTRONIC REGISTRATIONS SYSTEMS,
25 INC. hereby request that the Court take judicial notice, pursuant to Federal Rule of
26 Evidence 201, of the attached exhibits. Judicial notice of these documents is
27 appropriate for the reasons set forth below.

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1 **I. Legal Standard**

2 The standard for judicial notice set forth in Federal Rule of Evidence 201
3 allows a court to take judicial notice of an adjudicative fact not subject to “reasonable
4 dispute,” either because the fact is “general known within the territorial jurisdiction of
5 the trial court” or it “capable of accurate and ready determination by resort to sources
6 whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court
7 may take judicial notice if a party requests its and the court is “supplied with
8 necessary information.” Fed. R. Evid. 201(c)(2).

9 Further, a court may “take judicial notice of undisputed matters of public
10 record, including documents on file in federal or state court.” *Harris v. County of*
11 *Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012)(internal citation omitted); *see also Hund*
12 *v. Check Recovery Sys., Inc.*, 478 F. Supp. 2d 1157, 1160 (N.D. Cal. 2007) (“Judicial
13 notice may be taken of “adjudicative facts’ such as court records, pleadings.”).
14 Additionally, “the court can take judicial notice of “[p]ublic records and government
15 documents available from reliable sources on the Internet,” such as websites run by
16 governmental agencies. *Gerritsen v. Warner Bros. Entm’t Inc.*, 112 F. Supp. 3d
17 1011, 1033-1034, 2015 U.S. Dist. LEXIS 84978, *45 (C.D. Cal. 2015)(citations
18 omitted); *Paralyzed Veterans of Am. V. McPherson*, No. C064670, 2008 U.S. Dist.
19 LEXIS 69542, 2008 WL 4183981, *5 (N.D. Cal. Sept. 8, 2008) (“Information on
20 government agency websites has often been treated as property subject to judicial
21 notice”).

22 **II. Documents for Which Judicial Notice is Requested**

23 As authorized by the above-cited authorities, moving parties respectfully
24 request that the Court take judicial notice of the following documents:

25 A. A Deed of Trust recorded on October 24, 2002 in the Ventura
26 Recorder’s Office as instrument number 2002-0260124-00, a true copy of
27 which is attaches as **Exhibit “A.”**

28 B. A Corporate Assignment of Deed of trust recorded on May 30,



1 2013 in the Ventura County Recorder's office as instrument number 20130530-
2 00097591-0, a true copy of which is attached as **Exhibit "B."**

3 C. A Notice of Default recorded on April 28, 2010 in the Ventura
4 County Recorder's Office as instrument number 20100428-00063990-0, a true
5 copy of which is attached as **Exhibit "C."**

6 D. A Notice of Trustee's Sale recorded on July 30, 2010 in the
7 Ventura County Recorder's Office as instrument number 20100730-00111696-
8 0, a true copy of which is attached as **Exhibit "D."**

9 E. A Notice of Default recorded on October 24, 2013 in the Ventura
10 County Recorder's Office as instrument number 20131023-001177050-0 a true
11 copy of which is attached as **Exhibit "E."**

12 F. A Rescission of Notice of Default recorded on November 1, 2013
13 in the Ventura County Recorder's Office as instrument number 200131101-
14 00181046-0, a true copy of which is attached as **Exhibit "F."**

15 G. A Notice of Default recorded on October 13, 2017 in the Ventura
16 County Recorder's Office as instrument number 20171013-00112330-0, a true
17 copy of which is attached as **Exhibit "G."**

18 H. A Verified Complaint filed in the United States District Court,
19 Central District of California on June 20, 2012 in case no. CV-12-05357-ABC-
20 RZ [Doc1], a true copy of which is attached as **Exhibit "H."**

21 I. A Verified First Amended Complaint filed in the United States
22 District Court, Central District of California, on October 26, 2012 in case no.
23 CV-12-05357-ABC-RZ [Doc 17], a true copy of which is attached as **Exhibit**
24 **"I."**

25 J. An ORDER GRANTING Motion to Dismiss (In Chambers)
26 entered in the United States District Court, Central District of California, on
27 February 13, 2013 in case no. cv-12-05357-ABC-RZ [Doc 25], a true copy of
28 which is attached as **Exhibit "J."**

1 K. A Verified Complaint filed in the Superior Court of State of
2 California, County of Ventura, on December 3, 2013 in case no. 56-2013-
3 00445530-CU-OR-VTA, a true copy of which is attached as **Exhibit “K.”**

4 L. A Second Amended Complaint filed on October 30, 2014 after
5 removal of the Ventura County action (case no. 56-2013-00445530-CU-OR-
6 VTA) to the United States District Court, Central District of California, in case
7 no. 2:14-CV-01336-MM-JC [Doc. 35], a true copy of which is attached as
8 **Exhibit “L.”**

9 M. A Judgment for Defendants entered on April 15, 2015 in case no.
10 2:14-CV-01336-MMM-JC [Doc. 58], a true copy of which is attached **Exhibit**
11 **“M.”**

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15 DATED: July 16, 2018

WOLFE & WYMAN LLP

16
17 By: /s/ Cathy L. Granger

CATHY L. GRANGER

Attorneys for Defendants

18 **DITECH FINANCIAL LLC and**
19 **MORTGAGE ELECTRONIC**
20 **REGISTRATION SYSTEMS, INC.**
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